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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/671,147 | 09/24/2003 | Mahendra Madhukar Patil | 132071 | 4557 |
| 6147 7590 02/13/2008 GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309 | | | EXAMINER STINSON, FRANKIE L | |
| | | | ART UNIT 1792 | PAPER NUMBER |
| | | | NOTIFICATION DATE 02/13/2008 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/671,147

Applicant(s)

PATIL ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 21, 24-27 and 29-32, 36, 37 and 40-42 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Han (U. S. Pat. No.6,241,781), Urban (U. S. Pat. 3,335,584) or Tafel, Jr. (U. S. Pat. 1,979,504).

Re claims 20 and 36, note that Han, Urban and Tafel are each cited disclosing a fluid-dispenser device (37 in Han, 52 in Urban and 22 in Tafel) for a washing machine having a wash basket (21 in Han, 24 in Urban and 13 in Tafel) rotatable about a vertical axis and, defining radii extending in a horizontal plane relative to a circumference in correspondence with respect to said wash basket, the device comprising:

at least two ports (43a in Han, 90 in Urban and 25 in Tafel) positioned along a common radius and on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. Re claims 21 and 37, Han, Urban and Tafel each disclose the exit velocity. Re claim 24 and 32, Han, Urban and Tafel each disclose the at least two adjacent outlet ports on a common radius. Re claims 25, 26 and 29, Han discloses the multiple sets. Re claims 27, 30 and 31, Urban discloses the ring and the same being branched (as at 75, 72, 74). Re claim 40, Tafel and Urban disclose the relative motion. Re claim 41,

Art Unit: 1792

Tafel discloses the jet as claimed. Re claim 42, Han and Urban disclose the cycles as claimed.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 23, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or Tafel, Jr. in view of either Stantiz et al. (U. S. Pat. No. 2,543,993) or Kendig (U. S. Pat. No. 1,832,560).

Claims 22, 23, 38 and 39 define over the applied prior art only in the recitation of the exit angle as claimed. Stantiz (col. 12, lines 32-41) and Kendig (col. page 3, lines 103-109) are each cited disclosing the exit angle as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Han, Urban or Tafel, to include the exit angle as taught by either Stanitz or Kendig, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

5. Claim 28 is are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of either Holden (U. S. Pat. No. 2,161,047) or Beach (U. S. Pat. No. 2,570,021).

Claim 28 defines over the applied prior art only in the recitation of the ring being segmented. Beach and Holden each disclose the segmented ring as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the

Art Unit: 1792

arrangement Han, Urban or Tafel, to have the ring segmented as taught by either Holden or Beach, for the purpose for allowing for easy installation.

6. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or either Tafel, Jr.

Claims 34 and 35 define over the applied prior art only in the recitation of the controller being configured as claimed. Nonetheless, to have the controller/processor configured as claimed is of little patentable weight in that a controller/processor has many possible control scenarios and with the proper programming, the controller of Han, Urban of Tafel is clearly capable of functioning/operating as claimed

APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

>While features of an apparatus may be recited either structurally or functionally, claims<directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429,1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971);< In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). " [A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART

A claim containing a " recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed

apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim

1 recited that the apparatus was " for mixing flowing developer material" and the body of the claim recited " means for mixing ..., said mixing means being stationary and completely submerged in the developer material" . The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

7. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han, Urban or Tafel, Jr. in view of either Orszulik (U. S. Pat. No. 7,146,669).

Claim 42 defines over the applied prior art only in the recitation of the rinse cycle as claimed. Orszulik is cited disclosing the rinse cycle as claimed (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Han, Urban or Tafel, to include the rinse cycle as taught by Orszulik, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

8. Claims 20-22, 24-26, 29, 32-37, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Franklin (U. S. Pat. No. 2,054,797) or Pastryk et al. (U. S. Pat. No. 4,986,093) in view of Van Dornick (U. S. Pat. No. 2,635,447, hereinafter "Dornick").

Re claims 20 and 36, Franklin and Pastryk are each cited disclosing a fluid-dispenser device (128 in Franklin and 41 in Pastryk) for a washing machine having a wash basket (98 in Franklin and 25 in Pastryk) rotatable about a vertical axis and, defining radii

Art Unit: 1792

extending in a horizontal plane relative to a circumference in correspondence with respect to said wash basket, the device comprising:

a port (128 in Franklin and 41 in Pastryk) positioned along a radius that differs from the claim only in the recitation of the at least two ports on a common radius on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. Dornick is cited disclosing the arrangement of providing in a washing machine the at least two ports (26) on a common radius on a common horizontal plane to direct respective jets of fluid into a wash basket, each of the jets having a generally parallel relationship with respect to one another. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Franklin, to substitute for the plurality of tangential outlets (128) in Franklin, tangential outlets as taught by Dornick, since this is considered to a mere substitution of equivalents (see MPEP 2144.06 SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). It also would have been obvious to one having ordinary skill in the art to modify the nozzle (41) in Pastryk, to be as taught by Dornick, since Pastryk discloses that the nozzle "may be any other type" (col. 3, lines 40-46). Re claims 21 and 22, 37, Dornick discloses the velocity and angle. Re claims 24-26, 29, 32, and 41 Dornick discloses the adjacent nozzles. Re claims 33 and 40, Franklin and Pastryk disclose the relative motion. Claims 34 and 35 define over Franklin and Pastryk only in the recitation of the controller being configured as claimed. Nonetheless, to have the controller/processor configured as claimed is of little patentable weight in that a controller/processor has many possible control scenarios and with the proper

programming, the controller of Franklin and Pastryk is clearly capable of functioning/operating as claimed

APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

>While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. >In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also In re Swinehart, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); < In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). " [A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original).

MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART

A claim containing a " recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was " for mixing flowing developer material" and the body of the claim recited " means for mixing ..., said mixing means being stationary and completely submerged in the developer material" . The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

Re claims 42, Franklin and Pastryk disclose the rinse cycle.

9. Claims 23, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of either Stantiz et al. (U. S. Pat. No. 2,543,993) or Kendig (U. S. Pat. No. 1,832,560).

Claims 23, 38 and 39 define over the applied prior art only in the recitation of the exit angle as claimed. Stanitz (col. 12, lines 32-41) and Kendig (col. page 3, lines 103-109) are each cited disclosing the exit angle as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of either Franklin or Pastryk, to include the exit angle as taught by either Stanitz or Kendig, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

10. Claim 27, 28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 20 and 36 above, and further in view of Urban (U. S. Pat. No. 3,335,884), Holden (U. S. Pat. No. 2,161,047) or Beach (U. S. Pat. No. 2,570,021).

Claim 27, 28, 30 and 31 defines over the applied prior art only in the recitation of the ring being segmented, single-piece and/or branched as claimed. Urban, Beach and Holden each disclose the ring as instantly claimed in claims 27, 28, 30 and 31. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement Franklin or Pastryk, to have the ring to be as taught by either Urban, Holden or Beach, for the purpose for allowing for easy installation.

11. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Franklin or Pastryk in view of either Orszulik (U. S. Pat. No. 7,146,669).

Art Unit: 1792

Claim 43 defines over the applied prior art only in the recitation of the rinse cycle as claimed. Orszulik is cited disclosing the rinse cycle as claimed (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement of Franklin and Pastryk, to include the rinse cycle angle as taught by Orszulik, for the purpose of thoroughly applying cleaning liquid to the articles to be washed.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Groff, note the outlets.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 1792

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1792